

AMENDMENTS TO THE DRAWINGS:

Please replace two (2) of the eight sheets of drawings presently on file, specifically, those bearing FIGS. 3 and 6, respectively, with the two (2) sheets of replacement drawings submitted herewith.

REMARKS

Applicant submits this Amendment in further response to the Office Action dated September 30, 2009, in which the Examiner indicated that prosecution on the merits is closed (in accordance with *Ex parte Quayle*, certain claims having previously been allowed), but in which a requirement calling for the submission of a revised Sequence Listing for this patent application was imposed. This Amendment is also submitted in response to the undated communication (identified as "Paper 20091223"¹) from Primary Examiner Karen Cochrane Carlson, reacting to applicant's submission on November 23, 2009 of a revised Sequence Listing and two sheets of replacement drawings for this application.

In Paper 20091223, an objection was raised to the new versions of Figs. 3 and 6 (and to the revised Sequence Listing) that accompanied and formed a part of applicant's submission on November 23, 2009, in that both were alleged to contain prohibited new matter. As a result, it was suggested that the new versions of Figs. 3 and 6 be replaced with the versions of those same two figures that were previously on file, and that a further revised Sequence Listing be submitted, meeting the requirements of the *Ex parte Quayle* Action mailed September 30, 2009, but also containing the nucleotide

¹ Paper 20091223 was apparently initially prepared or typed on December 21, 2009, and was probably mailed to applicant on December 23, 2009.

sequences as they appear in the versions of Figs. 3 and 6 that were on file previously.

In response, applicant is submitting herewith replacement versions of Figs. 3 and 6, each marked as a "Replacement Sheet," the content of which is the same as those that were on file prior to applicant's submission dated November 23, 2009, although the images have been enlarged to improve their readability, which in turn has caused the presentation of these figures to have been changed from "portrait" mode to "landscape" mode. No new matter has been introduced.

In addition, applicant is submitting, and is amending this patent application so as to specifically direct the entry of, a revised Sequence Listing (in paper form). This new revised Sequence Listing, consisting of seven (7) pages, replaces in its entirety the Sequence Listing submitted for this application on November 23, 2009, which also consisted of seven (7) pages.

The revised Sequence Listing submitted herewith is identical to the one submitted on November 23, 2009, except that SEQ ID NO:11 has been modified so that it now corresponds with the nucleotide sequence derived from the DNA of the mouse species *Mus musculus* that appears in the original version of FIG. 3, which is being re-

submitted herewith.² Applicant is also submitting herewith a copy of the revised Sequence Listing in computer readable form (on a single CD-ROM), in accordance with the requirements of 37 C.F.R. §§1.821(e) and 1.824.

In connection with the revised Sequence Listing submitted concurrently herewith, applicant's undersigned counsel hereby states (1) that the content of the enclosed paper copy and the enclosed computer readable copy, submitted in accordance with 37 C.F.R. §§1.821(c) and (e), respectively, is the same, and (2) that the content of the information submitted herewith, in accordance with 37 C.F.R. §1.821(g), does not include new matter.

The Commissioner is requested to construe this paper as including a retroactive petition for a four-month extension of time in which to file a response to the outstanding *Ex parte Quayle* Action, and accordingly, the official fee of \$1,730.00, as prescribed therefor by 37 C.F.R. §1.17(a)(4), as amended, in the case of a non-small entity, is submitted herewith. The Commissioner is again authorized to charge any additional

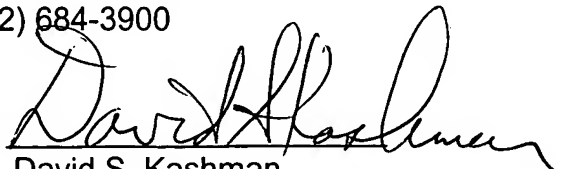
² The Intron B nucleotide sequence for *Mus musculus* appears in both FIG. 3 and FIG. 6 of the drawings, but as requested by the Examiner in the Office Action of September 30, 2009, that sequence has been added to the Sequence Listing only once. However, and also in accordance with the Examiner's instructions, since the version of that sequence appearing in FIG. 3 is slightly more extensive than that appearing in FIG. 6 (due to the inclusion in FIG. 3 of two short contiguous segments of DNA, comprising the terminal nucleotides from the flanking Exon 2, and the initial nucleotides of the flanking Exon 3, respectively), applicant has used the longer FIG. 3 version of that sequence (rather than the shorter FIG. 6 version) in SEQ ID NO:11 of the revised Sequence Listing.

extension fees which may be required, or to credit any overpayment, to Deposit Account No. 07-1730.

Applicant has responded herein to the points raised in Paper 20091223, and applicant has provided a revised Sequence Listing, all in an earnest effort to place this application in condition for allowance. In essence, applicant has reversed the changes made on November 23, 2009 that were found objectionable in Paper 20091223, while at the same time still complying with the requirements imposed in the *Ex parte Quayle* Action of September 30, 2009. Accordingly, further favorable action in connection with this patent application is earnestly solicited. The Examiner is invited to contact the undersigned attorney by telephone if it will advance the prosecution of this case.

Respectfully submitted,

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Dated: New York, New York
March 26, 2010